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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,313	06/26/2003	Satoru Wakao	00862 023113	3192
5514 7590 09/03/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
BESROUR, SAOUSSEN				
ART UNIT		PAPER NUMBER		
2131				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,313

Applicant(s)

WAKAO, SATORU

Examiner

SAOUSSEN BESROUR

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-11 and 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to amendment filed 5/14/2008. Claims 1 and 11 were amended. Claims 2 and 12-21 were cancelled. New claim 22 was added. Claims 1, 3-11 and 22 are pending. Applicant's arguments/ amendments with respect to the claims have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3, 4, 6, 7, 8, 10, 11 and 22** are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al. (2002/0184539).

As per **claim 1**, Fukuda discloses: an image data generating unit which generates first image data (Fig1); an authentication data generating unit which

generates first authentication data from the first image data (Fig.1); a receiving unit which receives second image data and second authentication data from an external device, wherein both the second image data and the second authentication data are generated by a second imaging apparatus, and the second authentication data is generated from the second image data (0009, Lines 5-25);

and an authentication unit which has (a) a first authentication mode where said authentication unit authenticates, using the first authentication data, whether or not the first image data has been altered, and (b) a second authentication mode where said authentication unit authenticates, using the second authentication data, whether the second image data has been altered (0009, Lines 29-39, 0010).

As per **claim 3**, rejected as applied to claim 1. Furthermore, Fukuda discloses: authentication data generating unit generates the first authentication data using data unique to the imaging apparatus (0010).

As per **claim 4**, rejected as applied to claim 1. Furthermore, Fukuda discloses: authentication data generating unit generates the first authentication data using secret data held by the imaging apparatus (0010).

As per **claim 6**, rejected as applied to claim 1. Furthermore, Fukuda discloses: said authentication data generating unit generates the first authentication data using a common key cipher (0008, 0058).

As per **claim 7**, rejected as applied to claim 1. Furthermore, Fukuda et al. discloses: authentication unit authenticates, using data unique to the second imaging

apparatus, whether the second image data generated by the second imaging apparatus has been altered (0235).

As per **claim 8**, rejected as applied to claim 1. Furthermore, Fukuda discloses: authentication unit authenticates, using secret data held by the imaging apparatus, whether the second image data generated by the second imaging apparatus has been altered (0235).

As per **claim 10**, rejected as applied to claim 1. Furthermore, Fukuda discloses: authentication unit authenticates, using a common key cipher, whether the second image data generated by the second imaging apparatus has been altered (0235).

As per **claim 11**, rejected as applied to claim 1. Furthermore, Fukuda discloses: wherein said image apparatus is one of a digital camera, digital video camera, or scanner (0008).

As per **claim 22**, rejected as applied to claim 1. Furthermore, Fukuda discloses: a storage interface unit which stores the first image data with the first authentication data in a removable storage medium, and stores the second image data with the second authentication data in the removable storage medium (0073).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (2002/0184539) in view of Kondoh et al. (6,968,058).

As per **claim 5**, rejected as applied to claim 1. Fukuda does not explicitly disclose: authentication data generating unit generates the first authentication data using a hash function. However, Kondoh et al. discloses: authentication data generating unit generates the first authentication data using a hash function (Column 7, Lines 29-35, Column 12, lines 14-37). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teaching Kondoh in conjunction with the teachings of Fukuda for the benefit of enhance security.

As per **claim 9**, rejected as applied to claim 1. Fukuda does not explicitly disclose: authentication unit authenticates, using a hash function, whether the second image data generated by the second imaging apparatus has been altered. However, Kondoh et al. discloses: authentication unit authenticates, using a hash function, whether the second image data generated by the second imaging apparatus has been altered. (Column 10, Lines 4-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teaching Kondoh in conjunction with the teachings of Fukuda for the benefit of enhance security

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAOUSSEN BESROUR whose telephone number is (571)272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./
Examiner, Art Unit 2131
September 2, 2008
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131